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AUG 08 2008

In re Application of Komarechka : Decision on Petition  
Application No. 10/648,301 :  
Filing Date: August 27, 2003 :  
Attorney Docket No. BK-001 :

This is a *corrected* decision on the petition under 37 CFR 1.137(b), filed May 15, 2008, to revive the above-identified application.

The petition is *granted*.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed April 23, 2007, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on July 24, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the reply required to the outstanding Office action or notice, unless previously filed,
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

A prior petition was filed on October 28, 2007. The petition satisfied all the requirements above except for requirement (1). A decision dismissing the petition was mailed April 24, 2008.

The instant petition includes a proper reply to the final Office action. Specifically, the petition is accompanied by a Request for Continued Examination and submission.

Petitioner has now met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

Technology Center Art Unit 2628 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



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